

HAWAII ADMINISTRATIVE RULES

TITLE 11



DEPARTMENT OF HEALTH

CHAPTER 13A

PUBLIC SWIMMING POOLS

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Historical Note: Chapter 11-13A is based substantially upon chapter 11-13. [Eff 12/26/81; R Nov 12 1988]

SUBCHAPTER 1

GENERAL PROVISIONS

§11-13A-1 Scope. This chapter sets forth minimum requirements for the protection of public health respecting swimming pools. These requirements shall apply to all public swimming pools, but shall not apply to:

§11-13A-1

- (1) Private residential swimming pools;
- (2) Private residential spas, hot tubs, or furo (Japanese bath); or
- (3) Ornamental pools. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-2 Definitions. Whenever used in these rules, unless the context otherwise requires, the word:

“Department” means the department of health of the State of Hawaii.

“Director” means the director of the department or a duly authorized agent or representative.

“Ornamental pool” means any pool designed for decorative purpose and not for bathing or swimming.

“Person” means any person, firm, partnership, association, corporation, company, governmental agency, club, or organization.

“Private residential swimming pool” means any swimming pool located on single family residence under the control of the homeowner or occupants, the use of which is limited to swimming or bathing by family members or their invited guests.

“Public swimming pool” means any swimming pool, other than a private residential swimming pool, which is intended to be used collectively by a number of persons for swimming or bathing regardless of whether a fee is charged for such use. These pools shall also include public wading pools, therapeutic pools, spas, and similar pools.

“Swimming pool” means any structure, basin, chamber, or tank containing an artificial body of water for swimming, diving, or recreational bathing or therapy. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§321-10, 321-11)

§11-13A-3 Submission of plans and specifications. (a) All plans and specifications of a proposed public swimming pool, with supporting data, shall be prepared by or under the direct supervision of an architect or engineer licensed to practice in this State, and shall be submitted to the director for review and approval prior to construction.

(b) The seal affixed by the architect or engineer on the plans and specifications with supporting data shall be prima facie evidence that the architect or engineer has designed or supervised the design of the pool and equipment.

(c) No public swimming pool shall be constructed except in accordance with plans and specifications approved by the director. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-4 Permit to operate. (a) No person shall operate or maintain a public swimming pool unless a permit has been obtained from the department. The permit shall be valid indefinitely unless revoked or suspended for cause.

(b) Any persons desiring to operate or maintain a public swimming pool shall submit an application on a form designated by the department.

(c) The director shall make an initial inspection to ascertain compliance with this chapter and when the requirements have been met, a permit shall be issued to the applicant by the director without cost.

(d) The permit shall be non-transferable. A valid permit shall be posted in a conspicuous place within the confine of the pool or at the bathhouse.

(e) The director shall have the right of entry to perform subsequent inspections at reasonable hours to insure compliance with this chapter. Any and all subsequent inspections may be conducted solely at the discretion of the director. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-5 Permit denial, revocation, or suspension. (a) An application for a permit to operate or maintain a public swimming pool may be denied when, after at least two inspections, the swimming pool does not meet the requirements of this chapter. The denial shall be in writing and shall contain specific reasons for the denial.

(b) The director may revoke or suspend a permit for failure to comply with this chapter.

(c) Before a permit is revoked or suspended the permit holder shall have notice in writing of the violations found and any failure to comply with this chapter.

(d) All denials, suspensions, or revocations shall not become effective until an opportunity for a hearing has been offered to the applicant or to the permit holder and a hearing has been held, if requested.

(e) Notwithstanding subsections (a), (b), (c), and (d), where the director finds that there exists in the swimming pool an immediate and substantial hazard to the public health, the director may suspend the swimming pool permit without prior notice and hearing. The permit suspension shall be in effect until the opportunity for a hearing, but shall not become final until after the opportunity for a hearing as set forth in subsection (d).

(f) All hearings shall comply with chapter 91, HRS, and the department rules of practice and procedure.

(g) A revoked or suspended permit shall be reissued upon presentation of evidence in writing to the department that the deficiencies causing the revocation or suspension have been corrected and reinspection by the department confirms the written evidence. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11.) (Imp: HRS §321-11)

§11-13A-6

§11-13A-6 Severability. Should any section, paragraph, phrase, or provision of this chapter be declared unconstitutional or invalid for any reason, the remainder or any other application of this chapter shall not be affected. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: None)

§11-13A-7 Penalty. (a) Any person who shall knowingly or willfully make any false statement to the department relative to any matter under this chapter or who violates any provision of this chapter shall be subject to penalties specified in sections 321-18 and 321-20, HRS.

(b) Any permit holder convicted under this section shall have the permit ~~suspended~~ subject to section 831-3.1, J-IRS. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §§321-18, 831-3.1, 321-20)

SUBCHAPTER 2

OPERATION AND MAINTENANCE

§11-13A-10 Purpose. The purpose of this subchapter shall be to provide a minimum standard for swimming pool operation and maintenance. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-11 Water supply (a) The water supply serving the pool shall meet the requirements of chapter 11-20, Potable Water Systems, except that the director may approve the use of water from natural sources including saline water.

(b) Where both potable and nonpotable water systems are used to serve a pool, the systems shall be piped to prevent cross-connections or back-siphonage.

(c) All portions of the potable water supply system serving the swimming pool and auxiliary facilities shall be protected against backflow.

(d) Potable water introduced into the swimming pool, either directly or to the recirculation system, shall be supplied through an air gap or other approved means. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-12 Water quality. (a) The swimming pool water shall be maintained in an alkaline condition as indicated by a pH between 7.2 and 7.8.

(b) The chlorine residual in the swimming pool shall be at least 0.6 parts per million. The director may accept other disinfecting chemicals or apparatus registered by the United States Environmental Protection Agency and when they have been adequately demonstrated to provide a satisfactory residual effect which is easily measured and equally effective under conditions of use as the chlorine concentration required under this section.

(c) The chemicals or apparatus used in controlling water quality shall not be dangerous to public health, create objectionable physiological effects, or impart toxic properties to the pool water. Any chemical that is to be used for algae control shall be approved by the department before use.

(d) The water ~~shall have~~ sufficient clarity at all times so that a black disc, six inches in diameter, is readily visible when placed on the floor of the swimming pool at the deepest point. Failure to meet this requirement shall constitute grounds for immediate closing of the pool.

(e) When bacteriological samples are collected for laboratory analysis, the samples shall not:

- (1) Contain more than two hundred bacteria per milliliter, as determined by the standard plate count;
- (2) Show coliform organisms in the confirmed test in any of the five ten-milliliter portions tested, as determined by the multiple tube fermentation method (Most Probable Number Test); or
- (3) Show more than one coliform organism per one hundred milliliters, when the membrane filter test is used.

(f) All samples shall be collected, dechlorinated, and examined in accordance with the procedures outlined in the 1985 edition of the "Standard Methods for the Examination of Water and Wastewater," American Public Health Association, which is made a part of this chapter.

(g) The director may arrange for the collection and examination of water samples when the swimming pool is in active use. [Eff

NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-13 Wastewater disposal. (a) Overflow water shall be returned to the filter system or discharged to a waste disposal system approved by the director.

(b) Where perimeter or rim type overflow water discharges into a sanitary sewer, an air gap at least twice the discharge pipe diameter shall be provided without direct mechanical connection.

(c) Backwash water may be discharged into a sanitary sewer through an approved air gap, or into an approved subsurface disposal system, or separation tank, or by other means approved by the director.

§11-13A-13

(d) The disposition of sewage from the bathhouse shall be into a sanitary sewer or a private sewage disposal system which meets with the approval of the director. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-14 Pool cleaning. Visible scum, dirt, or floating matter in the swimming pool shall be removed within twenty-four hours by flushing or other effective means. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-15 Bathhouses. (a) Dressing and sanitary facilities shall be provided and maintained at every public swimming pool. The requirements relating to bathhouses, dressing rooms, toilet facilities, and showers may be waived for hotels, apartments, condominiums, motels, multiple housing units, and other similar places where such facilities are conveniently available to swimming pool patrons.

(b) Every bathhouse shall be provided with facilities for each sex with no interconnections between the facilities for male and female. The rooms shall be well-lighted, drained, ventilated, and of good construction, with impervious materials.

(c) All partitions between portions of the dressing room areas, screen partitions, shower, toilet, and dressing room booths shall be of durable material not subject to damage by water and shall be designed so that a waterway is provided between the partition and floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.

(d) The floors of the bathhouse shall be free of joints or openings and shall be continuous throughout the area with a slip-resistant surface which shall be relatively smooth to ensure complete cleaning. Floor drains shall be provided to ensure positive drainage of all parts of the building with an adequate slope in the floor towards the drains.

(e) An adequate number of three-quarter inch hose bibbs shall be provided for flushing down the dressing rooms and bathhouse interior.

(f) Not less than one drinking fountain shall be provided to bathers at the pool or in the bathhouse. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-16 Toilets and showers. Minimum sanitary facilities shall be provided as follows:

- (1) The minimum criteria for bathhouse facilities shall be based upon the total capacity of bathers. Facilities for either sex shall be based upon a ratio of fifty per cent of the total number of bathers being male and fifty per cent being female. Where the pool is confined to use by one sex only, one hundred

- per cent of plumbing facility requirements shall be provided for that sex;
- (2) One water closet, one lavatory, and one urinal shall be provided for the first one hundred male bathers. One additional water closet, lavatory, and urinal shall be provided for each additional two hundred male bathers or major fraction thereof;
 - (3) A minimum of two water closets and one lavatory shall be provided in each bathhouse building for the first one hundred females. One additional water closet and lavatory shall be provided for each additional one hundred females or major* fraction thereof;
 - (4) A minimum of one shower head shall be provided for each fifty persons;
 - (5) Soap dispensers, either liquid or powdered soap, shall be provided at each lavatory. Soap holders shall be provided at shower heads and shall be of materials other than glass;
 - (6) Toilet paper dispensed through paper holders shall be provided at each water closet. [Eff NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp: HRS §321-11)

§11-13A-17 Records. (a) Proper operating records, which may include the following, as required by the director, shall be kept daily showing:

- (1) Bather load -- total;
 - (2) Peak bather load;
 - (3) Volume of fresh water added;
 - (4) Operating periods of recirculation pumps and filters and corresponding rate of flow meter readings;
 - (5) Amounts of chemicals used;
 - (8) Disinfectant residuals -- readings taken three times daily;
 - (7) pH readings -- readings taken three times daily;
 - (8) Total alkalinity readings -- reading taken monthly. If gaseous chlorine is used, reading taken weekly;
 - (9) Maintenance (and malfunctioning) of equipment.
- (b) These data shall be kept on file by the operator for a period of twelve months for review by the director. [Eff NOV 12 1988] (Auth: HRS §§ 321-10, 321-11) (Imp: HRS §321-11)

§11-13A-18 Personal rules. The operator of a public swimming pool shall enforce the following rules and list them on a suitable placard posted either at the swimming pool or in the dressing rooms:

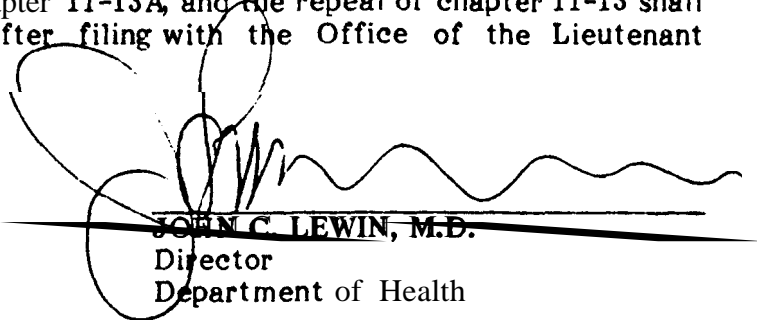
- (1) All persons using the swimming pool shall take a cleansing shower bath before entering the swimming pool room or

enclosure. A bather leaving the pool to use the toilet shall take a second cleansing bath before returning to the swimming pool room or enclosure;


- (2) Any person having an infectious or communicable disease shall be excluded from a public swimming pool. Persons having any open blisters, cuts, etc., shall be warned that these are likely to become infected and advised not to use the pool;
- (3) Spitting, spouting of water, blowing the nose, etc., in the swimming pool shall be strictly prohibited; and
- (4) Rental bathing suits and towels shall be properly laundered,, sanitized, and dried after each use. Wet suits or towels shall not be stored in the dressing room lockers. [Eff
NOV 12 1988] (Auth: HRS §§321-10, 321-11) (Imp:
HRS §321-11)

The Department of Health repealed chapter 11-13 and adopted chapter **11-13A**, Hawaii Administrative Rules on October 3, 1988 following public hearings held on Oahu on Friday, September 9, 1988, on Hawaii on Wednesday, September 7, 1988, on Kauai on Thursday, September 8, 1988, on Maui on Monday, September 12, 1988 after public notice was given in the Honolulu Star-Bulletin on August 17, 1988, in the Hawaii **Tribune-Herald** on August 17, 1988, in the Garden Isle on August 17, 1988, and in the Maui News on August 17, 1988.

The adoption of chapter **11-13A**, and the repeal of chapter 11-13 shall take effect ten days after filing with the Office of the Lieutenant Governor.


JOHN C. LEWIN, M.D.
Director
Department of Health


APPROVED:



JOHN WAIHEE
GOVERNOR
STATE OF HAWAII

Dated: NOV -2 1988

APPROVED AS TO FORM



Deputy Attorney General

REC'D. BY

NOV 11 4 2

CLERK'S OFFICE

Filed: _____

Effective Date: NOV. 12, 1988